

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF VIRGINIA  
RICHMOND DIVISION**

|                                          |   |                       |
|------------------------------------------|---|-----------------------|
| In re:                                   | ) | Chapter 11            |
|                                          | ) |                       |
| CIRCUIT CITY STORES, INC., <i>et al.</i> | ) | Case No. 08-35653-KRH |
|                                          | ) | Jointly Administered  |
| Debtors.                                 | ) | Jointly Administered  |
| _____)                                   |   |                       |
| JOHN ROHRER CONTRACTING                  | ) |                       |
| COMPANY, INC.                            | ) |                       |
|                                          | ) |                       |
| Plaintiff,                               | ) |                       |
|                                          | ) |                       |
| v.                                       | ) |                       |
|                                          | ) |                       |
| CIRCUIT CITY STORES, INC.,               | ) |                       |
|                                          | ) |                       |
| Defendant.                               | ) |                       |
| _____)                                   |   |                       |

**CONSENT ORDER MODIFYING THE AUTOMATIC STAY**

THIS MATTER having come before the Court on John Rohrer Contracting Company, Inc.'s ("JRC") Motion for Relief from the Automatic Stay (Docket No. 2497)(the "Motion"), which requested that JRC be granted relief from the automatic stay to allow JRC to initiate certain litigation or join litigation to be filed by Cleveland Construction, Inc. to enforce its mechanic's lien as a subcontractor in the construction of Circuit City Store Number 4220, Merriam Village Shopping Center, 6030 Eby Street, Merriam, Kansas (the "Property"), and with the parties having reached an agreement with respect to the Motion,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED THAT:

1. The automatic stay provided in 11 U.S.C. § 362 is hereby modified for the limited purpose of allowing JRC to file and prosecute a lawsuit in the state court of Kansas to assert and enforce its mechanic's lien on the Property (the "Lawsuit");

2. Except for asserting a state law lien against the Debtor's rights, if any, in the lease between the Debtor and Coventry II DDR Merriam Village, LLC, JRC shall not seek to execute upon or attach any property of the bankruptcy estate without further order of this Court;

3. The automatic stay provided in 11 U.S.C. § 362 shall remain in full force and effect except as specifically provided herein; and

4. The ten (10) day stay provided for by Federal Bankruptcy Procedure 4001(a)(3) is hereby waived.

Dated: \_\_\_\_\_, 2009

\_\_\_\_\_  
UNITED STATES BANKRUPTCY JUDGE

**WE ASK FOR THIS:**

/s/ William A. Gray

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**CERTIFICATION OF ENDORSEMENT UNDER LOCAL RULE 9022-1(C)**

Pursuant to Local Bankruptcy Rule 9022-1(C), I hereby certify that the foregoing proposed order has been endorsed by or served upon all necessary parties.

/s/ William A. Gray

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